

REMARKS

This is a full and timely response to the outstanding final Office Action mailed September 22, 2005. Upon entry of the amendments in this response, claims 21, 25, 28 – 30, 32-34, 36 – 38, 41 – 43, 45 – 52, 54 – 62 and 65 – 69 remain pending. In particular, Applicants amend claims 21, 32, 41, 48, 54, 59, and 61 and cancel claims 22, 24, 37, 31, 35, 39, 40, 44, 53, 63, and 64 without prejudice, waiver, or disclaimer. Applicants cancel these claims merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Rejections Under 35 U.S.C. §102

A proper rejection of a claim under 35 U.S.C. §102 requires that a single cited art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claim 21 is Patentable Over *Matthews*

The Office Action indicates that claim 21 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 5,815,145 to Matthews (“*Matthews*”). Applicants respectfully traverse this rejection on the grounds that *Matthews* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 21 recites:

A method implemented by a digital home communication terminal (DHCT) for enabling a user to scroll through a plurality of video programs received via a plurality of transmission channels, comprising the steps of:

tuning to a first plurality of transmission channels via a plurality of respective tuners;

receiving a first plurality of video programs including a first video program and a second video program via the first plurality of transmission channels, wherein each of the first plurality of video programs comprises a plurality of time-sequential pictures;

outputting the first plurality of video programs to a display device configured to simultaneously display the first plurality of video programs, wherein a first video program is displayed in a first video display area of the display device and a second video program is displayed in a second video display area of the display device;

receiving via a tuner a program guide data including program information related to the first video program and program information related to the second video program and program information related to a third video program; and

outputting the program guide data to the display device simultaneously with the first plurality of video programs, wherein at least a portion of the program information related to the first video program is displayed at a location corresponding to the first video program and at least a portion of the program information related to the second video program is displayed at a location corresponding to the second video program;

wherein, in response to receiving a request for program information related to at least one of the plurality of programs, the DHCT is configured to *suspend at least one of the plurality of tuners from tuning to the respective transmission channels and to utilize the suspended tuner for receiving at least a portion of the requested program information. (emphasis added)*

Applicants submit that *Matthews* fails to disclose, teach, or suggest at least a “method implemented by a digital home communication terminal (DHCT) for enabling a user to scroll through a plurality of video programs received via a plurality of transmission channels... the DHCT [being] configured to *suspend at least one of the plurality of tuners from tuning to the respective transmission channels, and to utilize the suspended tuner for receiving at least a portion of the requested program information*” as recited in claim 21, as amended. More

specifically, *Matthews* never discloses “a plurality of tuners.” Consequently, *Matthews* fails to disclose “*suspend[ing] at least one of the plurality of tuners from tuning to the respective transmission channels and utiliz[ing] the suspended tuner for receiving at least a portion of the requested program information*” as recited in claim 21, as amended. For at least this reason, claim 21, as amended, is allowable over *Matthews*.

B. Claim 32 is Patentable Over *Matthews*

The Office Action indicates that claim 32 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 5,815,145 to *Matthews* (“*Matthews*”). Applicants respectfully traverse this rejection on the grounds that *Matthews* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 32 recites:

A method for enabling the simultaneous viewing of video programs and related electronic program guide information, comprising:

receiving a plurality of video programs substantially simultaneously by tuning to a plurality of transmission channels via a plurality of respective tuners, the plurality of video programs including a first video program and a second video program, wherein the first and second video programs each comprise a plurality of time-sequential pictures;

receiving via a tuner a program guide data including program information related to the first video program and program information related to the second video program;

receiving a first user input; and

responsive to receiving the first user input outputting to a display device a television signal comprising of a simultaneous visual presentation of the plurality of video programs with program guide data, wherein the first and second video programs are located in respective first and second video display areas of the visual presentation and the program guide data includes at least a portion of program information related to the first video program and at least a portion of program information related to the second video program,

in response to receiving a request for program information related to at least one of the plurality of programs, *suspending at least one of the*

plurality of tuners from tuning to the respective transmission channels and utilizing the suspended tuner for receiving at least a portion of the requested program information. (emphasis added)

Applicants submit that *Matthews* fails to disclose, teach, or suggest at least a “method for enabling the simultaneous viewing of video programs and related electronic program guide information, comprising... ***suspending at least one of the plurality of tuners from tuning to the respective transmission channels and utilizing the suspended tuner for receiving at least a portion of the requested program information***” as recited in claim 32, as amended. More specifically, *Matthews* never discloses “a plurality of tuners.” Consequently, *Matthews* fails to disclose “***suspending at least one of the plurality of tuners from tuning to the respective transmission channels and utilizing the suspended tuner for receiving at least a portion of the requested program information***” as recited in claim 32, as amended. For at least this reason, claim 32, as amended, is allowable over *Matthews*.

C. Claim 41 is Patentable Over *Matthews*

The Office Action indicates that claim 41 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 5,815,145 to *Matthews* (“*Matthews*”). Applicants respectfully traverse this rejection on the grounds that *Matthews* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 41 recites:

A digital home communication terminal (DHCT) configured to enable a user to scroll through a plurality of video programs received via a plurality of transmission channels, comprising:

a plurality of tuners configured to substantially simultaneously tune to a first plurality of transmission channels carrying a first plurality of video programs including a first video program and a second video program;

memory configured to store executable instructions; and

at least one processor that is programmed by the executable instructions to enable the DHCT to:

output the first plurality of video programs to a display device configured to simultaneously display the first plurality of video programs, wherein a first video program is displayed in a first video display area of the display device and a second video program is displayed in a second video display area of the display device; and

receive via at least one tuner a program guide data including program information related to the first video program and program information related to the second video program;

output the program guide data to the display device simultaneously with the first plurality of video programs, wherein at least a portion of the program information related to the first video program is displayed at a location corresponding to the first video program and at least a portion of the program information related to the second video program is displayed at a location corresponding to the second video program;

wherein, in response to receiving a request for program information related to at least one of the plurality of programs, the DHCT is configured to *suspend at least one of the plurality of tuners from tuning to the respective transmission channels and to utilize the suspended tuner for receiving at least a portion of the requested program information. (emphasis added)*

Applicants submit that *Matthews* fails to disclose, teach, or suggest at least a “digital home communication terminal (DHCT) configured to... *suspend at least one of the plurality of tuners from tuning to the respective transmission channels and utiliz[ing] the suspended tuner for receiving at least a portion of the requested program information*” as recited in claim 41, as amended. More specifically, *Matthews* never discloses “a plurality of tuners.” Consequently, *Matthews* fails to disclose “*suspend[ing] at least one of the plurality of tuners from tuning to the respective transmission channels and utiliz[ing] the suspended tuner for receiving at least a portion of the requested program information*” as recited in claim 41, as amended. For at least this reason, claim 41, as amended, is allowable over *Matthews*.

D. Claim 54 is Patentable Over Matthews

The Office Action indicates that claim 54 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 5,815,145 to Matthews (“*Matthews*”).

Applicants respectfully traverse this rejection on the grounds that *Matthews* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 54 recites:

A digital home communication terminal (DHCT) configured to enable the simultaneous viewing of video programs and related electronic program guide information, comprising:

a plurality of tuners configured to substantially simultaneously tune to a first plurality of transmission channels carrying a first plurality of video programs including a first video program and a second video program;

at least one tuner configured to receive a program guide data including program information related to the first video program and program information related to the second video program;

memory configured to store executable instructions and the program guide data; and

at least one processor that is programmed by the executable instructions to enable the DHCT to:

output the program guide data and the plurality of video programs simultaneously to a display device responsive to a first user input, wherein the first video program is displayed in a first video display area of the display device and the second video program is displayed in a second video display area of the display device, and wherein at least a portion of the program information related to the first video program is displayed at a location corresponding to the first video program and at least a portion of the program information related to the second video program is displayed at a location corresponding to the second video program,

wherein, in response to receiving a request for program information related to at least one of the plurality of programs, the DHCT is configured to *suspend at least one of the plurality of tuners from tuning to the respective transmission channels and to utilize the suspended tuner for receiving at least a portion of the requested program information. (emphasis added)*

Applicants submit that *Matthews* fails to disclose, teach, or suggest at least a “digital home communication terminal (DHCT) configured to... *suspend at least one of the plurality of*

tuners from tuning to the respective transmission channels and to utilize the suspended tuner for receiving at least a portion of the requested program information.” as recited in claim 54, as amended. More specifically, *Matthews* never discloses “a plurality of tuners.” Consequently, *Matthews* fails to disclose “*suspend[ing] at least one of the plurality of tuners from tuning to the respective transmission channels and utiliz[ing] the suspended tuner for receiving at least a portion of the requested program information.”* as recited in claim 54, as amended. For at least this reason, claim 54, as amended, is allowable over *Matthews*.

E. Claim 59 is Patentable Over *Matthews*

The Office Action indicates that claim 59 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 5,815,145 to *Matthews* (“*Matthews*”). Applicants respectfully traverse this rejection on the grounds that *Matthews* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 59 recites:

A DHCT configured to provide a user with program information corresponding to television programs, comprising:

at least one guide tuner configured to receive a program guide data including program information corresponding to a plurality of television programs scheduled on the first television channel;

a plurality of program tuners configured to receive a plurality of television programs, wherein at least one television programs corresponds to a television program to be broadcast in the future on a first television channel;

a first memory configured to store executable instructions; and

at least one processor that is programmed by the executable instructions to enable the DHCT to output a television signal comprising a simultaneous visual presentation of the plurality television programs and program guide data, wherein at least a portion of the program information corresponding to each respective television program in the plurality of sequential television programs is included in the visual presentation,

wherein, in response to receiving a request for program information related to at least one of the plurality of programs, the DHCT

is configured to *suspend at least one of the plurality of program tuners from receiving the plurality of television programs and to utilize the suspended tuner for receiving at least a portion of the requested program information.*(emphasis added)

Applicants submit that *Matthews* fails to disclose, teach, or suggest at least a “DHCT configured to... *suspend at least one of the plurality of program tuners from receiving the plurality of television programs and to utilize the suspended tuner for receiving at least a portion of the requested program information*” as recited in claim 59, as amended. More specifically, *Matthews* never discloses “a plurality of tuners.” Consequently, *Matthews* fails to disclose “*suspend[ing] at least one of the plurality of program tuners from receiving the plurality of television programs and utiliz[ing] the suspended tuner for receiving at least a portion of the requested program information*” as recited in claim 59, as amended. For at least this reason, claim 59, as amended, is allowable over *Matthews*.

F. Claim 61 is Patentable Over *Matthews*

The Office Action indicates that claim 61 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 5,815,145 to *Matthews* (“*Matthews*”). Applicants respectfully traverse this rejection on the grounds that *Matthews* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 61 recites:

A method for enabling the simultaneous viewing of video programs and related electronic program guide information, comprising:
receiving a plurality of video programs substantially simultaneously by tuning to a plurality of transmission channels via a plurality of respective tuners, the plurality of video programs including a first video program and a second video program, wherein the first and second video programs each comprise a plurality of time-sequential pictures;

receiving via a tuner a program guide data including program information related to the first video program and program information related to the second video program;

configuring a memory to output the first plurality of video programs;

configuring an output buffer in the memory with the first video program and the second video program;

configuring the output buffer with a plurality of program information sections including a first program information section for at least a portion of the program information related to the first video program and a second program information section for at least a portion of the program information related to the second video program;

configuring the location of the video section and program information section in the output buffer for each respective video program; and

outputting the output buffer to a display device,

wherein, in response to receiving a request for program information related to at least one of the plurality of programs, the DHCT is configured to *suspend at least one of the plurality of tuners from receiving the plurality of video programs and to utilize the suspended tuner for receiving at least a portion of the requested program information. (emphasis added)*

Applicants submit that *Matthews* fails to disclose, teach, or suggest at least a “method for enabling the simultaneous viewing of video programs and related electronic program guide information, comprising... *suspend[ing] at least one of the plurality of tuners from receiving the plurality of video programs and utiliz[ing] the suspended tuner for receiving at least a portion of the requested program information*” as recited in claim 61, as amended. More specifically, *Matthews* never discloses “a plurality of tuners.” Consequently, *Matthews* fails to disclose “*suspend[ing] at least one of the plurality of tuners from receiving the plurality of video programs and utiliz[ing] the suspended tuner for receiving at least a portion of the requested program information*” as recited in claim 61, as amended. For at least this reason, claim 61, as amended, is allowable over *Matthews*.

G. Claims 25, 28 – 30, 33 – 34, 36, 38, 42 – 43, 47, 49, 51 – 52, 55 – 58, 60, and 62 are Patentable Over *Matthews*

In addition, dependent claims 25 and 28 – 30 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 21. Dependent claims 33 – 34, 36, and 38 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 32. Dependent claims 42 – 43 and 47 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 41. Dependent claims 49 and 51 – 52 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 48. Dependent claims 55 – 58 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 54. Dependent claim 60 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 59. Dependent claim 62 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 61. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

II. Rejections Under 35 U.S.C. §103

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the cited art reference must suggest all features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). Further, “[t]he PTO has the burden under section 103 to establish a prima facie case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the

references.” *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

A. Claim 65 is Patentable Over *Matthews*

The Office Action indicates that claim 65 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent Number 5,815,145 to *Matthews* as applied to claim 65. Applicants respectfully traverse this rejection for at least the reason that *Matthews* fails to disclose, teach, or suggest all of the elements of claim 65. More specifically, dependent claim 62 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 61. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

B. Claim 46 is Patentable Over *Matthews* in View of *Meyer*

The Office Action indicates that claim 46 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *Matthews* as applied to claim 46 and further in view of U.S. Patent Number 4,809,069 to Meyer (“*Meyer*”). Applicants respectfully traverse this rejection for at least the reason that *Matthews* in view of *Meyer* fails to disclose, teach, or suggest all of the elements of claim 46. More specifically, dependent claim 46 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 48. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

C. Claim 50 is Patentable Over *Matthews* in View of *Alexander*

The Office Action indicates that claim 50 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Matthews* as applied to claim 50 and further in view of U.S. Patent Number 6,177,931 to Alexander (“*Alexander*”). Applicants respectfully traverse this rejection for at least the reason that *Matthews* in view of *Alexander* fails to disclose, teach, or suggest all of the elements of claim 50. More specifically, dependent claim 50 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 48. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

III. Official Notice

A. Claim 50 is Not Well Known

In addition, with regard to claim 50, the Office Action states “[t]he examiner takes official notice that retrieving program guide listings prior to a user request to display them is notoriously well known in the art” (OA p. 19, second to last paragraph). Applicants respectfully traverse the alleged finding of well known subject matter and submit that the subject matter noted above should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions, as required.

Applicants additionally submit that particularly in the context of the claimed combination that includes “suspend[ing] at least one of the plurality of program tuners from receiving the plurality of television programs, wherein the at least one suspended program tuner can be utilized for receiving at least a portion of the requested program information,” the subject matter in question is too complex for a reasonably skilled person to consider the subject matter well known

to the point that no additional evidence is needed. For at least this additional specific and particular reason, Applicants respectfully submit that the subject matter in question is not well known in the art and respectfully traverse the cited Official Notice.

B. Claim 65 is Not Well Known

In addition, with regard to claim 65, the Office Action states “[t]he examiner takes official notice that displaying a broadcast start time in a program guide is notoriously well known in the art” (OA p. 18, first paragraph). Applicants respectfully traverse the alleged finding of well known subject matter and submit that the subject matter noted above should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions, as required.

Applicants additionally submit that particularly in the context of the claimed combination that includes “suspend[ing] at least one of the plurality of program tuners from receiving the plurality of television programs, wherein the at least one suspended program tuner can be utilized for receiving at least a portion of the requested program information,” the subject matter in question is too complex for a reasonably skilled person to consider the subject matter well known to the point that no additional evidence is needed. For at least this additional specific and particular reason, Applicants respectfully submit that the subject matter in question is not well known in the art and respectfully traverse the cited Official Notice.

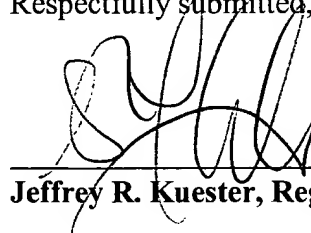
CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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